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|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/525,635   | 11/10/2005  | Takashi Furukawa     | 450100-05111        | 2115             |
| 7590   | 03/04/2009  |                      | EXAMINER            |                  |
| William S Frommer<br>Frommer Lawrence & Haug<br>745 Fifth Avenue<br>New York, NY 10151 |             |                      | TEKLE, DANIEL T     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2621                |                  |
|  |             |                      | MAIL DATE           | DELIVERY MODE    |
|  |             |                      | 03/04/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/525,635 | <b>Applicant(s)</b><br>FURUKAWA ET AL. |
|                              | <b>Examiner</b><br>DANIEL TEKLE      | <b>Art Unit</b><br>2621                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 November 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Kiyama et al. (US 7,457,530).

**Regarding Claim 1:** Kiyama et al. discloses a recording apparatus for recording second picture data or second sound data onto a recording medium on which first picture data or first sound data are recorded, characterized by comprising: reading controlling means for controlling reading of low-resolution data having the same contents as at least one of said first picture data and said first sound data recorded on said recording medium (**column 2 lines 60-67**); and recording controlling means for controlling recording of said second picture data or said second sound data synchronizing with said at least one of said first picture data and said first sound data, onto said recording medium (**column 16 lines 40-55**).

**Regarding Claim 2:** Kiyama et al. discloses a recording apparatus according to claim 1, characterized in that said reading controlling means controls reading of said low-resolution data in which low-resolution picture data having the same contents as said

first picture data and low-resolution sound data having the same contents as said first sound data are multiplexed (**column 3 lines 55-64**).

**Regarding Claim 3:** Kiyama et al. discloses a recording apparatus according to claim 1, characterized in that said recording controlling means controls recording of said second picture data so as to be recorded to a first file in which picture data are collectively placed, or recording of said second sound data so as to be recorded to a second file in which sound data are collectively placed (**column 2 lines 47-63**).

**Regarding Claim 4:** Kiyama et al. discloses a recording apparatus according to claim 1, characterized in that said recording medium is an optical disk (**column 18 lines 55-62**).

**Regarding Claim 5:** Kiyama et al. discloses a recording apparatus according to claim 1, characterized in that said recording medium is a semiconductor memory (**column 6 lines 12-19**).

**Regarding Claim 6-7:** Claim 6-7 are reject for the same subject matter as claim 1 discussed above.

**Regarding Claim 8-9:** Claim 8-9 are reject for the same subject matter as claim 2 discussed above.

**Regarding Claim 10-12:** Claim 10-12 are reject for the same subject matter as claim 3-5 respectively discussed above.

**Regarding Claim 13-14:** Claim 13-14 are reject for the same subject matter as claim 8 discussed above.

**Regarding Claim 15-19:** Claim 15-19 are reject for the same subject matter as claims 1-5 respectively discussed above.

**Regarding Claim 20-21:** Claim 20-21 are reject for the same subject matter as claim 15 discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621